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UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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TVIIM, LLC, a Colorado Limited liability

17 company,

Case No. 13-CV-4545 JST

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Plaintiff,

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v.

MCAFEE, INC., a corporation,

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Defendant.

**FIRST AMENDED COMPLAINT FOR
PATENT INFRINGEMENT**

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DEMAND FOR JURY TRIAL

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1 Plaintiff TVIIM, LLC, (“Innerwall”) complains of defendant McAfee, Inc. (“McAfee”) as
 2 follows:

3 **JURISDICTION**

4 1. This is a claim for patent infringement arising under the patent laws of the United
 5 States, Title 35 of the United States Code. This Court has exclusive jurisdiction over the subject
 6 matter of the Complaint under 28 U.S.C. § 1338(a).

7 **VENUE**

8 2. Venue is proper in this district under 28 U.S.C. §§ 1391(b) and (c) and 1400(b).

9 3. This Court has personal jurisdiction over McAfee by virtue of its acts of patent
 10 infringement which have been committed in this judicial district, and by virtue of its transaction
 11 of business in this district.

12 **PARTIES**

13 4. Innerwall is a Colorado limited liability company with a principal place of
 14 business in Boulder, Colorado.

15 5. McAfee is a corporation with a principal place of business in Santa Clara County
 16 in this district at 2821 Mission College Boulevard, Santa Clara, CA 95054.

17 **THE PATENT AT ISSUE**

18 6. Innerwall owns and has standing to sue for infringement of United States Patent
 19 No. 6,889,168 (“the ‘168 Patent”) entitled “Method and Apparatus for Assessing the Security of a
 20 Computer System,” a copy of which, with corresponding corrections, is attached as Exhibit “A.”

21 7. The ‘168 Patent issued on May 3, 2005 for inventions directed to apparatus and
 22 methods for analyzing security vulnerabilities in a computer system.

23 8. Innerwall has complied with the provisions of 35 U.S.C. § 287 with respect to
 24 ‘168 Patent.

25 **CLAIM FOR PATENT INFRINGEMENT**

26 9. Innerwall incorporates all of the foregoing averments as if fully set forth herein.

27 10. Innerwall is the owner of the entire right, title, and interest in and to the ‘168
 28 Patent, attached as Exhibit “A” and fully incorporated as if set forth herein.

1 11. McAfee has infringed and is still infringing one or more claims of the ‘168 Patent
2 under 35 U.S.C. §271(a) through the manufacture, use, sale and/or offer for sale of security
3 software including but not limited to versions of Total Protection, Internet Security and Antivirus
4 Plus made and sold between 2007 and the present.

5 12. McAfee's infringement has injured Innerwall and Innerwall is entitled to recover
6 damages adequate to compensate it for such infringement, but in no event less than a reasonable
7 royalty.

8 13. McAfee's infringement will continue to injure Innerwall and its licensees until
9 this court enters an injunction prohibiting further infringing conduct by McAfee whether alone or
10 in concert with others.

PRAAYER FOR RELIEF

12 WHEREFORE, Innerwall, asks this Court to enter judgment against McAfee and against
13 its subsidiaries, affiliates, agents, servants, employees, and all persons in active concert or
14 participation with them, granting the following relief:

15 1. An award of damages adequate to compensate Innerwall for the infringement that
16 has occurred, together with prejudgment interest from the date infringement of the ‘168 Patent
17 began;

18 2. A permanent injunction prohibiting further infringement of the ‘168 Patent; and
19 3. Such other and further relief as this Court or a jury may deem proper and just.

21 | Dated: November 18, 2013

LATHROP & GAGE LLP

By:/s/ John Shaeffer

John J. Shaefker
Attorneys for Plaintiff
TVIIM, LLC

JURY DEMAND

Innerwall demands a trial by jury on all issues so triable.

Dated: November 18, 2013

LATHROP & GAGE LLP

By:/s/ John Shaeffer
John J. Shaeffer
Attorneys for Plaintiff
TVIIM, LLC